

2008 No. 47

EDUCATION, ENGLAND

The Schools Forums (England) (Amendment) Regulations 2008

Made - - - - *10th January 2008*

Laid before Parliament *17th January 2008*

Coming into force - - *11th February 2008*

The Secretary of State for Children, Schools and Families makes the following Regulations in exercise of the powers conferred by sections 47A and 138(7) of the School Standards and Framework Act 1998(a).

Citation, commencement and application

1.—(1) These Regulations may be cited as the Schools Forums (England) (Amendment) Regulations 2008 and come into force on 11th February 2008.

(2) These Regulations apply only in relation to England.

Amendment of the Schools Forums (England) Regulations 2002

2.—(1) The Schools Forums (England) Regulations 2002(b) are amended as follows.

(2) In regulation 1(3), insert where they fall alphabetically—

““local authority 14-19 partnership” means an arrangement made by a local education authority to promote co-operation between itself, the Learning and Skills Council for England(c) and any other person in the area who exercises functions in relation to, or is engaged in activities relevant to, the provision of education and training for 14-19 year olds;

“PVI providers” means persons other than governing bodies of primary schools, local education authorities or the proprietors of Academies who provide nursery education for three and four year olds for which no charge is made.”.

(3) In regulation 3(2), for “fifth”, substitute “third”.

(4) In regulation 4(3)—

(a) before sub-paragraph (a), insert—

“(aa) “head teacher’s representative” means a senior member of staff representing a head teacher;”;

(b) in paragraph (c), after the words “head teacher”, add the words “(or head teacher’s representative)”;

(a) 1998 c.31. Section 47A was inserted by section 43 of the Education Act 2002 (c.32), and has been amended by section 101 of, and paragraph 7 of Schedule 16 to, the Education Act 2005 (c.18) and sections 57 and 184 of, and paragraphs 2(1), (3) and (4) of Schedule 5 to and Part 6 of Schedule 18 to, the Education and Inspections Act 2006 (c.40).

(b) S.I. 2002/2114 as amended by S.I. 2004/447 and S.I. 2005/3299.

(c) The Learning and Skills Council for England was established under section 1 of the Learning and Skills Act 2000 (c.21).

(c) after paragraph (c), insert—

“(ca) senior member of staff means a principal, deputy head teacher, bursar or other person responsible for the financial management of the school; and”.

(5) In regulation 4A(4), after the words “head teachers”, in both places where those words occur, insert—

“(or head teachers’ representatives)”.

(6) For regulation 5, substitute—

“5.—(1) Subject to paragraph (3), where the relevant authority determine that they will appoint non-schools members to their forum, they shall by 1st September 2008 (or, if the determination is made later, on making the determination)—

- (a) appoint one or more persons to represent the local authority 14-19 partnership and one or more persons to represent PVI providers; and
- (b) identify bodies appropriate for representation on the forum (“appropriate bodies”), seek nominations from, and appoint representatives of, those bodies.

(2) In identifying appropriate bodies for the purposes of paragraph (1)(b), the relevant authority shall consider whether the following should be appropriate bodies—

- (a) the Diocesan Board of Education for any diocese any part of which is comprised in the relevant authority’s area;
- (b) the bishop of any Roman Catholic Diocese any part of which is comprised in the relevant authority’s area;
- (c) where there are schools within the relevant authority’s area, other than Church of England or Roman Catholic schools, designated under section 69(3) of the 1998 Act as having a religious character, the appropriate faith group in respect of any such schools.

(3) The following may not be appointed as non-schools members—

- (a) any executive member or relevant officer of the authority;
- (b) any representative of—
 - (i) the local learning and skills council (“the LSC”) or regional learning and skills council for the relevant authority^(a), or
 - (ii) the Learning and Skills Council for England.

(4) Within one month of the appointment of any non-schools member, the relevant authority shall inform schools maintained by them of the name of the member and the body that member is representing.”

(7) After regulation 6(2), insert—

“(2A) At or after such time as LSCs have ceased to exist, the Learning and Skills Council for England shall be entitled to nominate an observer who shall be entitled to attend all meetings of the forum. This does not prevent a person who has already been nominated under paragraph (2) from being nominated under this paragraph.”

(8) In regulation 6(7), before the words, “The members of the forum shall determine their own voting procedures.” insert “Subject to paragraph (11),”.

(9) In regulation 6, after paragraph (10), add—

“(11) The relevant authority shall consult the forum on arrangements for allowing substitutes to attend and vote at meetings of the forum on behalf of schools members and

(a) Local Learning and Skills Councils were established under section 19 of the Learning and Skills Act 2000 (c.21). The Further Education and Training Act 2007 (c.25) repeals this section, abolishing local learning and skills councils. Section 2 of the 2007 Act inserts new sections 18A, 18B and 18C which enable regional learning and skills councils to be set up in regulations. These provisions have not yet been commenced.

non-schools members, and shall implement such arrangements having taken into account the views of the forum.”.

(10) Regulation 7 is omitted.

Jim Knight

Minister of State

10th January 2008

Department for Children, Schools and Families

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Schools Forums (England) (Amendment) Regulations 2007 amend the Schools Forums (England) Regulations 2002 (“the Principal Regulations”).

Regulation 2(2) inserts new definitions of local authority 14-19 partnerships and PVI providers into regulation 1(3) of the Principal Regulations.

Regulation 2(3) amends regulation 3(2) of the Principal Regulations to provide that non-schools members may comprise up to one third of the total membership of a schools forum.

Regulation 2 paragraphs (4)-(5) amend regulations 4(3) and 4A(4) of the Principal Regulations to enable senior members of staff to become schools members of a forum as head teachers’ representatives.

Regulation 2(6) substitutes a new regulation 5 for regulation 5 of the Principal Regulations to provide that, where the relevant authority decide to appoint non-schools members, they must appoint persons to represent both the local authority 14-19 partnership and PVI providers before the 1st September 2008, or at such time as they determine, for the first time, to appoint non-schools members; identify other bodies they think might be appropriate to be represented as non-schools members (“appropriate bodies”); seek nominations from, and appoint representatives of, those bodies. The relevant authority must consider whether the various religious bodies listed might be appropriate bodies.

Executive members and relevant officers of the authority are excluded from being non-schools members, as are representatives of local and regional learning and skills councils and the Learning and Skills Council for England. Local learning and skills councils, currently in existence, are to be abolished and replaced by regional learning and skills councils. As these provisions are not yet in force, it has been necessary to exclude both bodies.

Regulation 2(7) adds new regulation 6(2A) to the Principal Regulations to provide that the Learning and Skills Council for England may nominate an observer when local learning and skills councils cease to exist. They may nominate the person already attending in this capacity, or somebody different.

Regulation 2(8) amends regulation 6(7) to make it subject to regulation 6(11).

Regulation 2(9) adds a new paragraph (11) to regulation 6 to enable the relevant authority to implement arrangements for substitutes to attend meetings of the schools forum and vote on behalf of schools and non-schools members, having consulted the forum and taken into account their views on the nature of any such arrangements.

Regulation 2(10) revokes regulation 7. The obligation upon local education authorities to consult their schools forum on proposed changes to their formulae for determination of schools’ budget shares is in regulation 8(3) of the School Finance (England) Regulations 2006.